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7 Counsel for Defendant ALCOCER  
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9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
11

12 UNITED STATES OF AMERICA,	)	No. CR 10-00449 MMC
	)	
13 Plaintiff,	)	STIPULATION AND <del>[PROPOSED]</del>
	)	ORDER TO CONTINUE
14 v.	)	
	)	
15 OSCAR ALCOCER,	)	
	)	
16 Defendant.	)	
_____	)	

17

18 The parties jointly request that, subject to the Court's approval, the status conference  
19 presently set for December 1, 2010 be continued to January 12, 2011 at 2:30 p.m.

20 When defendant Oscar Alcocer last appeared before the Court on October 13, 2010, the  
21 parties informed the Court that they are working toward a resolution of this matter. At that time,  
22 defense counsel had recently changed due to Assistant Federal Public Defender Loren Stewart's  
23 absence while on paternity leave. The parties continue to work on a resolution of this matter and  
24 have yet to reach an agreement. Additionally, AFDPD Stewart will return to work on January 3,  
25 2011. As he has been working on this case for nearly a year, the parties agree that it would be  
26 beneficial to wait until his return to have the next hearing on this matter.

1 Accordingly, the parties jointly stipulate and request that this Court continue the hearing  
2 from December 1, 2010 to January 12, 2011 at 2:30 p.m.

3 The parties agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161,  
4 from December 1, 2010 to January 12, 2011, given the need for both parties to have a reasonable  
5 opportunity for effective preparation and for continuity of counsel.

6 Based upon the representation of counsel and for good cause shown, the Court finds that  
7 failing to exclude the time from December 1, 2010 to January 12, 2011 would unreasonably deny  
8 the defendant and his counsel the reasonable time necessary for effective preparation, taking into  
9 account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds  
10 that the ends of justice served by excluding the time from December 1, 2010 to January 12, 2011  
11 from computation under the Speedy Trial Act outweigh the best interests of the public and the  
12 defendant in a speedy trial. Therefore, IT IS HEREBY ORDERED that the time from December  
13 1, 2010 to January 12, 2011 shall be excluded from computation under the Speedy Trial Act. 18  
14 U.S.C. § 3161(h)(7)(A) and (B)(iv).

15 IT IS SO STIPULATED.

16  
17 November 12, 2010  
18 DATED


\_\_\_\_\_/s\_\_\_\_\_  
BENJAMIN P. TOLKOFF  
Assistant United States Attorney

19  
20 November 12, 2010  
21 DATED

\_\_\_\_\_/s\_\_\_\_\_  
JODI LINKER  
Assistant Federal Public Defender

22  
23 IT IS SO ORDERED.

24  
25 November 15, 2010  
26 DATED

  
\_\_\_\_\_  
MAXINE M. CHESNEY  
United States District Judge